

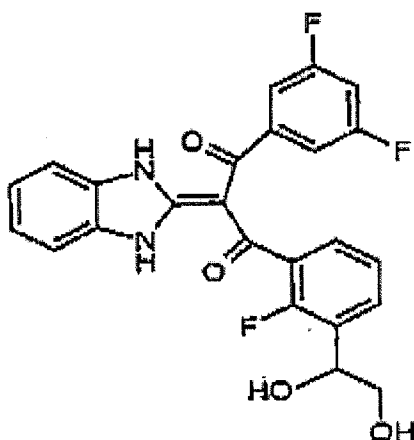
**RESPONSE TO ELECTION OF SPECIES REQUIREMENT AND THIRD
PRELIMINARY AMENDMENT**

U.S. Appln. No.: 10/588,485

Attorney Docket No.: Q96434

REMARKS

In response to the Election of Species Requirement dated March 18, 2009, Applicants elect the following compound



**Specification, page 68, Table 15
Ex No. 2-37**

for examination, on which claims 1-3, 5 and 9-11, and amended claim 4 are readable.

The substituents of the general formula (I) representing this compound are: ring A is benzene which may be substituted; ring B is benzene; R^1 is H; R^2 is $-O-R^5$; R^5 is H; R^3 is H; one of R^{401} and R^{402} is H and the other is halogen; X is lower alkylene which may be substituted; R^{101} , R^{102} , R^{103} , and R^{104} are all H.

This election is made with traverse.

The Examiner found that the present invention lacks a special technical feature and lacks unity of invention, merely based on the assertion that a compound having the benzimidazole propene-1,3-dione core, which is the same core as that of the compound of the present invention, is known.

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However, the reference Dzvinchuk et al. (Chemistry of Heterocyclic compounds, 2001, vol. 37, No. 5, pp. 554-559), cited by the Examiner, is just a reference describing chemical synthesis and does not have any description about utility of the compound at all.

In contrast, the present application discloses that a series of novel propane-1,3-dione compounds represented by the general formula (I) have pharmaceutical utility. That is, the special technical feature of the present invention is the pharmaceutical utility that “the GnRH receptor antagonist is an agent for treating GnRH-related diseases, such as prostate cancer, breast cancer, endometriosis, uterine leiomyoma, or benign prostatic hypertrophy.” Accordingly, Applicants do not agree with the Examiner's finding that the present invention lacks a special technical feature and thus does not have unity of invention.

Applicants reserve the right to file a Divisional Application directed to non-elected subject matter.

In the present Amendment, claim 1 has been amended to correct a typographical error. Claim 4 and the specification have been amended to recite that R^{801} , R^{802} and R^{803} each is H, halogen or lower alkyl. The “H” in claim 4 was inadvertently omitted in the previous Preliminary Amendment filed August 24, 2007, and the amendment is supported by the compounds of Examples 2-37 and the twelve compounds in claim 5. Claims 4 and 6 have been amended to correct the definition of R^{101} , R^{102} , R^{103} and R^{104} . Support is found, for example, at page 5, lines 11-12 of the specification. No new matter has been added. Entry and consideration of this Amendment are respectfully requested.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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